

AMENDED IN SENATE JULY 1, 2003  
AMENDED IN ASSEMBLY MAY 14, 2003  
AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1467**

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**Introduced by Assembly Member Negrete McLeod**

February 21, 2003

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An act to amend Sections 1628, 1635.5, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1467, as amended, Negrete McLeod. Dentists: licensure requirements.

Existing law provides for the licensing and regulation of dental professionals by the Dental Board of California, in the Department of Consumer Affairs. Under existing law, a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school is eligible for the dental licensure examination if he or she has met specified requirements, including passing a progressive examination. Those requirements will be revised on January 1, 2004.

This bill would change the date for revision of the requirements for graduates of a foreign dental school to January 1, 2005. The bill would authorize, on and after January 1, 2005, a foreign dental school graduate who has completed certain parts of the progressive examination requirements to take other parts of the examination. *The bill would require applications for the restorative techniques examination to be*

*received by mail and would require that applicants taking the examination for the first time be given priority consideration.*

Existing law also provides that, until January 1, 2004, an applicant who fails to pass the licensure examination after 4 attempts is not eligible for further reexamination until he or she has successfully completed at least 2 academic years of education at an approved dental school.

This bill would extend this provision to December 31, 2008.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1628 of the Business and Professions  
2 Code, as amended by Section 8 of Chapter 532 of the Statutes of  
3 2001, is amended to read:

4 1628. A person over 18 years of age is eligible to take an  
5 examination before the board upon making application therefor  
6 and meeting all of the following requirements:

7 (a) Paying the fee for applicants for examination provided by  
8 this chapter.

9 (b) (1) Furnishing satisfactory evidence of having graduated  
10 from a reputable dental college approved by the board.

11 (2) Applicants furnishing evidence of having graduated after  
12 1921 shall also present satisfactory evidence of having completed  
13 at dental school or schools the full number of academic years of  
14 undergraduate courses required for graduation.

15 (c) Furnishing satisfactory evidence of financial responsibility  
16 or liability insurance for injuries sustained or claimed to be  
17 sustained by a dental patient in the course of the examination as a  
18 result of the applicant's actions.

19 (d) If the applicant has been issued a degree of doctor of dental  
20 medicine or doctor of dental surgery by a foreign dental school, he  
21 or she shall furnish all of the following documentary evidence to  
22 the board:

23 (1) That he or she has completed in a dental school or schools  
24 approved by the board pursuant to Section 1636.4, a resident  
25 course of professional instruction in dentistry for the full number  
26 of academic years of undergraduate courses required for  
27 graduation.



(2) Subsequent thereto, he or she has been issued by the approved dental school, a dental diploma or a dental degree, as evidence of the completion of the course of dental instruction required for graduation.

(e) An applicant, who has been issued a dental diploma from a foreign dental school that has not been approved by the board pursuant to Section 1636.4 at the time of his or her graduation from the school shall not be eligible for examination until the applicant has successfully completed a minimum of two academic years of education at a dental college approved by the board pursuant to Article 1 (commencing with Section 1024) of Chapter 2 of Division 10 of Title 16 of the California Code of Regulations. This subdivision does not apply to applicants who have ~~successfully met either of the following requirements:~~

(1) *Successfully* completed the requirements of Section 1636 on or before December 31, 2004, ~~or who have passed.~~

(2) *Passed* Part I of the National Dental Board ~~Examiners'~~ examination examinations by December 31, 2004, ~~and who complete~~ passed Part II of the National Dental Board examination by December 31, 2006, and completed all progressive examination requirements set forth in paragraph (2) of subdivision (c) of Section 1636 by December 31, 2008. *An applicant meeting the requirements of this paragraph and of subdivisions (a), (b), (c), and (d) shall be eligible to take the examinations required by Section 1632, subject to the limitations set forth in Section 1632.5.*

(f) This section shall become operative on January 1, 2005.

SEC. 2. Section 1628 of the Business and Professions Code, as amended by Section 7 of Chapter 532 of the Statutes of 2001, is amended to read:

1628. A person over 18 years of age is eligible to take an examination before the board upon making application therefor and meeting all of the following requirements:

(a) Paying the fee for applicants for examination provided by this chapter.

(b) (1) Furnishing satisfactory evidence of having graduated from a reputable dental college approved by the board.

(2) Applicants furnishing evidence of having graduated after 1921 shall also present satisfactory evidence of having completed at dental school or schools the full number of academic years of undergraduate courses required for graduation.

1 (c) Furnishing satisfactory evidence of financial responsibility  
2 or liability insurance for injuries sustained or claimed to be  
3 sustained by a dental patient in the course of the examination as a  
4 result of the applicant's actions.

5 (d) This section shall remain in effect only until January 1,  
6 2005, and as of that date is repealed, unless a later enacted statute,  
7 that is enacted before January 1, 2005, deletes or extends that date.

8 SEC. 3. *Section 1635.5 of the Business and Professions Code*  
9 *is amended to read:*

10 1635.5. (a) *Applications for the restorative techniques*  
11 *examination shall be received by mail only. Priority consideration*  
12 *to take the examination shall be given to those applicants who are*  
13 *taking the examination for the first time.*

14 (b) Notwithstanding Section 1634, the board may grant a  
15 license to practice dentistry to an applicant who has not taken an  
16 examination before the board, if the applicant submits all of the  
17 following to the board:

18 (1) A completed application form and all fees required by the  
19 board.

20 (2) Proof of a current license issued by another state to practice  
21 dentistry that is not revoked or suspended or otherwise restricted.

22 (3) Proof that the applicant has been in clinical practice, or has  
23 been a full-time faculty member in an accredited dental education  
24 program, for a minimum of 1,000 hours per year for at least five  
25 years preceding the date of his or her application under this section.  
26 The clinical practice requirement shall be deemed met if  
27 documentation of any of the following is submitted:

28 (A) The applicant may receive credit for two of the five years  
29 of clinical practice by demonstrating completion of a residency  
30 training program accredited by the American Dental Association  
31 Commission on Dental Accreditation, including, but not limited  
32 to, a general practice residency, an advanced education in general  
33 dentistry program, or a training program in a specialty recognized  
34 by the American Dental Association.

35 (B) If an applicant provides proof of at least two years of  
36 clinical practice or receives two years of credit as defined in  
37 subparagraph (A), he or she may commit to completing the  
38 remainder of the five-year requirement by filing with the board a  
39 copy of a pending contract to practice dentistry full time in a  
40 primary care clinic licensed under subdivision (a) of Section 1204

1 of the Health and Safety Code or in a primary care clinic exempt  
2 from licensure pursuant to subdivision (c) of Section 1206 of the  
3 Health and Safety Code, or in a clinic owned or operated by a  
4 public hospital or health system, or a clinic owned and operated by  
5 a hospital that maintains the primary contract with a county  
6 government to fill the county's role under Section 17000 of the  
7 Welfare and Institutions Code. The board may periodically request  
8 verification of compliance with these requirements, and may  
9 revoke the license upon a finding that the employment  
10 requirement, or any other requirement of this subparagraph, has  
11 not been met.

12 (C) If an applicant provides proof of at least two years of  
13 clinical practice or receives two years of credit as defined in  
14 subparagraph (A), he or she may commit to completing the  
15 remainder of the five-year requirement by filing with the board a  
16 copy of a pending contract to teach or practice dentistry full time  
17 in an accredited dental education program as approved by the  
18 Dental Board of California. The board may periodically request  
19 verification of compliance with these requirements, and may  
20 revoke the license upon a finding that the employment  
21 requirement, or any other requirement of this subparagraph, has  
22 not been met.

23 (4) Proof that the applicant has not been subject to disciplinary  
24 action by any state in which he or she is or has been previously  
25 licensed to practice dentistry. If the applicant has been subject to  
26 disciplinary action, the board shall review that action to determine  
27 if it warrants refusal to issue a license to the applicant.

28 (5) A signed release allowing the disclosure of information  
29 from the National Practitioner Data Bank and the verification of  
30 registration status with the federal Drug Enforcement  
31 Administration. The board shall review this information to  
32 determine if it warrants refusal to issue a license to the applicant.

33 (6) Proof that the applicant has not failed the examination for  
34 licensure to practice dentistry under this chapter within five years  
35 prior to the date of his or her application for a license under this  
36 section.

37 (7) Documentation of 50 units of continuing education  
38 completed within two years of the date of his or her application  
39 under this section. The continuing education shall include the

1 mandatory coursework prescribed by the board pursuant to  
2 subdivision (b) of Section 1645.

3 (8) Any other information as specified by the board to the  
4 extent it is required of applicants for licensure by examination  
5 under this article.

6 ~~(b)~~

7 (c) The board shall provide in the application packet to each  
8 out-of-state dentist pursuant to this section the following  
9 information:

10 (1) The location of dental manpower shortage areas that exist  
11 in the state.

12 (2) Those not-for-profit clinics and public hospitals seeking to  
13 contract with licensees for dental services.

14 ~~(c)~~

15 (d) (1) The board shall review the impact of this section on the  
16 availability of dentists in California and report to the appropriate  
17 policy and fiscal committees of the Legislature by January 1, 2005.  
18 The report shall include a separate section providing data specific  
19 to those dentists who intend to fulfill the alternative clinical  
20 practice requirements of subparagraph (B) of paragraph (3) of  
21 subdivision (a). The report shall include, but not be limited to, all  
22 of the following:

23 (A) The total number of applicants from other states who have  
24 sought licensure.

25 (B) The number of dentists from other states licensed pursuant  
26 to this section, as well as the number of licenses not granted and  
27 the reasons why each license was not granted.

28 (C) The location of the practice of dentists licensed pursuant to  
29 this section.

30 (D) The number of dentists licensed pursuant to this section  
31 who establish a practice in a rural area or in an area designated as  
32 having a shortage of practicing dentists or no dentists at all.

33 (E) The length of time dentists licensed pursuant to this section  
34 maintained their practice in the reported location. This  
35 information shall be reported separately for dentists described in  
36 subparagraphs (C) and (D).

37 (2) In identifying a dentist's location of practice, the board shall  
38 use Medical Service Study Areas or other appropriate geographic  
39 descriptions for regions of the state.

(3) If appropriate, the board may report the information required by paragraph (1) separately for primary care dentists and specialists.

~~(d)~~

(e) This section shall become operative on July 1, 2002.

SEC. 4. Section 1636 of the Business and Professions Code is amended to read:

1636. (a) Notwithstanding subdivision (b) of Section 1628, a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school shall be eligible for examination as provided in this section upon complying with subdivisions (a) and (c) of Section 1628 and furnishing all of the following documentary evidence satisfactory to the board, that:

(1) He or she has completed in a dental school or schools a resident course of professional instruction in dentistry for the full number of academic years of undergraduate courses required for graduation.

(2) Subsequent thereto, he or she has been issued by the dental school a dental diploma or a dental degree as evidence of the completion of the course of dental instruction required for graduation.

(b) An applicant who is a graduate of a foreign dental school accredited by a body that has a reciprocal accreditation agreement with any commission or accreditation agency whose findings are accepted by the board shall be exempt from the qualifying examination provided for in paragraph (2) of subdivision (c).

(c) Examination by the board of a foreign-trained dental applicant shall be a progressive examination given in the following sequence:

(1) Examination in writing which shall be comprehensive and sufficiently thorough to test the knowledge, skill, and competence of the applicant to practice dentistry, and both questions and answers shall be written in the English language.

The written examination may be the National ~~Board of Dental Examiners' examination or other examination~~ *Dental Board of Examinations, Parts 1 and 2, or other examinations*, but in no event shall the examination given to foreign-trained applicants be a different examination than that given to applicants who have met the requirements of subdivision (b) of Section 1628. A



1 foreign-trained applicant who passes the written ~~examination~~  
2 ~~examinations~~ shall be permanently exempt from retaking the  
3 ~~examination examinations~~.

4 Those applicants who have passed the California written  
5 examination are permanently exempt from retaking a written  
6 examination, except any examination required for continuing  
7 education purposes.

8 (2) Demonstration of the applicant's skill in restorative  
9 technique. An applicant who obtains an overall average grade of  
10 75 percent or higher on the restorative technique examination and  
11 a grade of 75 percent or higher on two of the three subsections shall  
12 be deemed to have passed the examination. However, an applicant  
13 who obtains a grade of 85 percent or higher on any subsection of  
14 the examination is exempt from retaking that subsection for two  
15 years following the date of the examination in which the grade of  
16 85 percent or higher was obtained. Every applicant who passes the  
17 entire restorative technique examination is permanently exempt  
18 from retaking the examination.

19 (d) An applicant who has successfully completed the written  
20 ~~examination examinations~~ and the restorative technique  
21 examination shall be eligible to take and shall pass the  
22 examinations in diagnosis-treatment planning, prosthetic  
23 dentistry, diagnosis and treatment of periodontics, and operative  
24 dentistry in the identical manner in which the examinations are  
25 taken by and administered to other dental applicants. Exemptions  
26 in the examinations shall be applied to foreign-trained applicants  
27 in the same manner as they are applied to other dental applicants.

28 (e) Subdivisions (a), (b), (c), and (d) shall become inoperative  
29 on January 1, 2005.

30 (f) Notwithstanding subdivision (e), the ~~restorative techniques~~  
31 ~~examination in subdivision (e) may be offered to progressive~~  
32 ~~examination sections may be continued by~~ a candidate on and after  
33 January 1, 2005, if he or she meets all of the following  
34 requirements:

35 (1) He or she meets the eligibility requirements of subdivision  
36 (a).

37 (2) He or she has passed Part I of the National Dental Board  
38 ~~Examiners' examination examination or other basic dental~~  
39 ~~sciences examination that is given to those who meet the~~  
40 ~~requirements of subdivision (b) of Section 1628.~~



~~SEC. 4.—~~

SEC. 5. Section 1636.5 of the Business and Professions Code is amended to read:

1636.5. (a) Notwithstanding Section 135, on and after January 1, 1993, an applicant who fails to pass the examination required by paragraph (2) of subdivision (c) of Section 1636 after four attempts shall not be eligible for further reexamination until the applicant has successfully completed a minimum of two academic years of education at a dental school approved by either the Commission on Dental Accreditation or a comparable organization approved by the board. When the applicant applies for reexamination, he or she shall furnish proof satisfactory to the board that he or she has successfully completed the requirements of this subdivision.

(b) *Failure by an applicant to appear for the examination required by paragraph (2) of subdivision (c) of Section 1636 without good cause, as determined by the board, constitutes a failure to pass the examination for the purposes of subdivision (a).*

(c) This section shall remain in effect only until December 31, 2008, and as of that date is repealed, unless a later enacted statute, which is enacted before December 31, 2008, deletes or extends that date.

(d) *It is the intent of the Legislature that applicants be afforded a minimum of two attempts to take the examination required by paragraph (2) of subdivision (c) of Section 1636, but the Legislature recognizes that the board may not be able to provide an applicant four examination attempts prior to the December 31, 2008.*